

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:09-CV-003-BR

BENJAMIN G. HINES, JR.,)
v.)
Plaintiff,)) ORDER
TRIAD MARINE CENTER, INC.)
d/b/a BOATS UNLIMITED NC and)
JOHN BANISTER HYDE,)
Defendants.)

This matter is before the court on defendants' motion for approval of supersedeas bond and stay of execution of judgment. Plaintiff filed a response, stating that he has no objection to the motion.

In support of their motion, defendants submit that the proposed bond amount exceeds the judgment, including pre-judgment interest as of the date of the judgment's entry on 3 January 2011, of \$11,635,863.42, plus post-judgment interest of one year in the amount of \$34,907.59, as well as estimated costs potentially to be incurred by plaintiff pending appeal of \$4,228.99. As the proposed bond in the amount of \$11,675,000.00 represents the sum total of all heretofore ascertained amounts, plus one year of post-judgment interest, as well as an amount in excess of the estimated potential costs to plaintiff pending appeal, the court finds that the proposed amount would sufficiently secure the entire amount of the judgment, plus interest and costs, while the matter is on appeal. Defendants have tendered a proposed bond as an attachment to their memorandum in support of the motion, and the court finds that it is satisfactory.

Accordingly, defendants' motion is ALLOWED. Defendants shall post a supersedeas bond in the form attached to their memorandum in support of the motion in the amount of \$11,675,000.00 with the Clerk of the Court. Pursuant to Fed. R. Civ. P. 62(d), the enforcement of the judgment in this action will be stayed during the pendency of the present appeal upon the posting of such bond with this court.

This 1 February 2011.



W. Earl Britt
Senior U.S. District Judge